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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,762	07/15/2003	Edward Kachnic	2000-1220-RA7	7378

30184 7590 11/02/2006

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EXAMINER

BAHTA, KIDEST

ART UNIT PAPER NUMBER

2125

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,762

Applicant(s)

KACHNIC ET AL.

Examiner

Kidest Bahta

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 27-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2 and 4-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Choi (US 6,275,741).

Regarding claims 1-2, Choi discloses that at least one sensor, wherein data is obtained regarding the status of at least one target site by the at least one sensor; data from the at least one sensor (column 9, lines 22-25); means for transmitting the means for analyzing the data from the at least one transmitting means (Fig. 1); means for communicating the data analysis to direct a course of action of a process (Fig. 1, element 30 and 44); a machine for forming parts (Fig. 4, element 44), wherein the parts formed by the machine are imageable by the at least one sensor and wherein the data relates to the presence, absence or quality of at least one of the parts (Fig. 4, element 406); for analyzing the data is a program and a programmable microprocessor (column 9, lines 21-50), wherein said *at least one* target site is selected from the group of a formed part, a molded part, a mold, a semiconductor, a machined part, a fuel cell cavity, or a jet engine (column 2, lines 42-54).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-8 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi (US 6,275,741) in view of Kachnic et al. (US 5,928,578).

Regarding claims 6-8 and 31, Choi discloses that the limitations of 1-2, as stated in par. 2 but Choi fails to disclose that limitations of 5-8. However, Kachnic discloses the at least one sensor is at least one charge coupled device camera (Abstract); the at least one sensor is at least one near- infrared camera (column 4, lines 55-56); at least one sensor is an optical imaging device capable of generating computer readable image data of a visual representation (column 4, line 57-60); the at least one target site is defined within a cavity (column 5, lines 55-65).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teachings of Choi with the teachings of Kachnic in order to minimize the down time of automated machine.

5. Claims 3, 9-10 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi (US 6,275,741) in view of Wunder (US 2003/0195649).

Regarding claims 3, 9-10, Choi discloses the limitation of claim 1 as stated in par. 2. However, Choi fails to disclose the limitations of claims 3 and 9-10, Wunder discloses the means for wirelessly transmitting the data and means for wirelessly transmitting the analysis results is an infrared signal communication platform ([0057]).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teachings of Choi with the teachings of Wunder in order to provide current information about the accuracy of the manufacturing machine between full accuracy checks, so that the manufacturing machine may be utilized to accurately inspect parts manufactured thereby in a manner that can reduce the dependence upon post operation inspection.

Regarding claims 27-30, Choi discloses at least one sensor, wherein data is obtained regarding the status of at least one target site by the at least one sensor; data from the at least one sensor (column 9, lines 22-25); means for transmitting the means for analyzing the data from the at least one transmitting means (Fig. 1); means for communicating the data analysis to direct a course of action of a process (Fig. 1, element 30 and 44); a machine for forming parts, wherein the parts formed by the machine are imageable by the at least one sensor and wherein the data relates to the presence, absence or quality of at least one of the parts (Fig. 4, element 406). However, Choi fails to disclose the wirelessly related. However Wunder discloses controller wirelessly signals at least one operational direction in response to the indication and the at least one operational direction controls performance of the machine having the sensory inspection system incorporated therewith ([0057] and [0065]).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teachings of Choi with the teachings of Wunder in order to provide current information about the accuracy of the manufacturing machine between full accuracy checks, so that the manufacturing machine may be utilized to accurately inspect parts manufactured thereby in a manner that can reduce the dependence upon post operation inspection.

Response to Amendment/ Response to Arguments

6. Applicant's arguments filed 8/16/06 have been fully considered but they are not persuasive.

Regarding claims 1, 27-28, Applicants argues by showing Choi specifically discloses injection molding machine control but the claimed invention discloses for *any production*. The Examiner disagrees since one of any production is an injections molding, Choi is suitable for claim 1 limitation. In addition, Applicant argues Choi does not describe any sensor component capable of inspection. The Examiner disagrees since Each of these analog and digital devices must not only be controlled with appropriate analog and digital commands, but they are typically provided with feedback **sensors** which output analog and/or digital feedback signals so that the various devices may be properly controlled to produce high-volume, quality output from the system. For example, the feedback signals may be used in closed loop control to effect real-time changes in the injection molding devices (e.g. temperature set points, injection pressure, etc.). Also, the feedback signals may be used to display operational

information (e.g. status, temperature, parts count, etc.) to the operator at the human machine interface or operator control panel (column 1, lines 29-41, column 2, lines 17-25). Finally, Applicant argument is based on the specification not claims, which the claimed invention is more broader than the specification. For the above reasons the previous rejection is maintained.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kidest Bahta whose telephone number is 571-272-3737. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-2723-8300.

Information regarding the status of an application may be obtained from the Patent Application information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAG system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kidest Bahta



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PRIMARY EXAMINER
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